

HOUSE BILL 3909

By Bone

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 4, Part 1 and Title 67, Chapter 6, relative to river resort districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Cumberland River Resort District Act of 2008".

SECTION 2. Tennessee Code Annotated, Section 57-4-101(a), is amended by adding the following language as a new subdivision:

(20) Cumberland River resort district as defined in § 57-4-102, subject to the further provisions of this chapter other than § 57-4-103;

SECTION 3. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following language as a new subdivision:

(39) "Cumberland River resort district" means a club, hotel, motel or restaurant located within a jurisdiction that has elected Cumberland River resort district status pursuant to the provisions of § 67-6-103(a)(3)(G); provided, that for the purposes of this chapter, such district shall only extend inland for three (3) miles from the nearest bank of the Cumberland River. No entity licensed to sell alcoholic beverages within the boundaries of any such resort district shall discriminate against any patron on the basis of age, gender, race, religion, or national origin;

SECTION 4. Tennessee Code Annotated, Section 67-6-103(a)(3), is amended by adding the following language as a new subdivision:

(G)

(i) A county ranking in the first quartile of county economic distress in the United States for the fiscal year beginning July 1, 2008, as determined pursuant

to subdivision (a)(3)(G)(v) and bordering on, or crossed by, the Cumberland River, may elect to be a “Cumberland River resort district” for purposes of this chapter. A municipality within such county and located within three (3) miles of the nearest bank of the Cumberland River, may also elect to be a “Cumberland River resort district” for purposes of this chapter. Notwithstanding any other law to the contrary, as an alternative to and in lieu of the allocation prescribed in subdivision (a)(3)(A), a Cumberland River resort district shall receive four and five thousand nine hundred twenty-five ten-thousandths percent (4.5925%) of the tax actually collected and remitted by dealers within the boundaries of such district. Any distribution made to a Cumberland River resort district pursuant to such election shall be earmarked and paid from the general fund. If, however, any such payment is made to a Cumberland River resort district pursuant to the election, the amount that would have been received by such district had the district not exercised the election shall be earmarked and allocated to the general fund.

(ii) Subject to subdivision (a)(3)(G)(iv), a county, or municipality within a county, described in subdivision (a)(3)(G)(i) may elect Cumberland River resort district status by adopting a resolution or ordinance approved by a two-thirds (2/3) vote of the legislative body of the jurisdiction. Its approval or nonapproval shall be proclaimed by the presiding officer of the jurisdiction. Within thirty (30) days of adopting such resolution or ordinance, the presiding officer of the jurisdiction shall send a certified copy of the ordinance or resolution to the secretary of state and the commissioner of revenue;

(iii) Notwithstanding any other law to the contrary, of the revenue retained pursuant to an election under subdivision (a)(3)(G)(i), less the amount

that would have been received by such district had the district not exercised the election, fifty percent (50%) shall be used exclusively for either the promotion and support of tourism in the jurisdiction or the promotion and support of tourism in conjunction with other jurisdictions so electing Cumberland River resort district status;

(iv) Cumberland River resort district status may be elected by both a county and a municipality within such county, subject to the following provisions:

(a) If the election occurs between January 1, 2009, and June 30, 2009, a municipality electing Cumberland River resort district status shall be entitled to the authorized percentage of tax actually collected and remitted by dealers within the boundaries of the municipality only. A county electing such status shall be entitled to the authorized percentage of tax actually collected and remitted by dealers within the boundaries of the county; provided, however, that the county shall only be entitled to receive such revenue outside the jurisdiction of any municipality electing Cumberland River resort district status located in the county; or

(b) If election occurs on and after July 1, 2009, a county electing Cumberland River resort district status prior to a non-electing municipality shall be entitled to the authorized percentage of tax actually collected and remitted by dealers within the boundaries of the county and within the boundaries of non-electing municipalities. No non-electing municipality shall later elect Cumberland River resort district status; provided, that a non-electing municipality may elect such status prior to election of such status by the county and, in that event, tax collections would be distributed in accordance with subdivision

(a)(3)(G)(iv)(a);

(v) Prior to July 1, 2008, the commissioner of economic and community development shall publish a map of those Tennessee counties that rank in the first quartile of county economic distress in the United States for the fiscal year beginning July 1, 2008, based on comparing the following indicators: three-year average unemployment, per-capita market income and poverty rate;

SECTION 5. For the purpose of promulgating rules and regulations including the publication of a map required pursuant to amendatory subdivision (G)(v) in Section 4, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2009, the public welfare requiring it.